



01-R-1977

AN ORDINANCE

01-O-\_\_\_\_\_

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF ROBBIE L. WILSON, ET AL. V. CITY OF ATLANTA, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:99-CV-1510-TWT, IN THE AMOUNT OF \$14,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; WAVING CITY OF ATLANTA CODE OF ORDINANCES SECTION 2-783(h) FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, Wilson, et al. v. City of Atlanta, et al., Civil Action File No. 1:99-CV-1510-TWT, is a case pending in the United States District Court, Northern District of Georgia, Atlanta Division, in which the City of Atlanta and thirteen police officers, who were employed by the City of Atlanta Police Department at the time of the incident, were originally named as Defendants; and

WHEREAS, the ten Plaintiffs allege that they have suffered financial losses for property damage and medical treatment due to a search of their home, pursuant to a warrant issued by a municipal judge on June 12, 1997; and

WHEREAS, the basis for the search warrant was an alleged cocaine sale at 1915 Trottie Street, the Plaintiffs' residence, to an informant in the presence of Defendant Richard A. Mason, a police officer for the City of Atlanta; and

WHEREAS, the address on the search and arrest warrants used to search 1915 Trotti Street was 1909 Trotti Street; and

WHEREAS, the Plaintiffs deny that any cocaine was sold from 1915 Trotti Street and maintain that they were sitting on their porch at the purported time of sale; and

WHEREAS, the description of the house noted on the warrant (green house with white trim and full porch) matched 1915 Trotti Street; and

WHEREAS, due to an alleged data entry error, the sale of cocaine which took place on June 12, 1997, is listed in the Criminal Justice Information System (CJIS) data base as having occurred at 1909 Trotti Street; and

WHEREAS, Richard A. Mason, a police officer for the City of Atlanta, remained the sole Defendant to the suit following the Court's Order of February 7, 2001, which granted in part Defendants' Motion For Summary Judgment filed on behalf of all Defendants; and

WHEREAS, the Plaintiffs have incurred expenses in excess of \$12,000, excluding attorneys' fees, in the course of discovery and in preparation for the trial of the case, but they have agreed to accept \$14,000.00 as full settlement of all remaining claims against Richard A. Mason; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claim is in excess of the settlement amount; and

WHEREAS, by this settlement, Richard A. Mason, the City of Atlanta, and any current or former employee or agent of the City of Atlanta, admit no liability.

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$14,000.00 to settle all claims.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Wilson et al. v. City of Atlanta, et al. in the amount of Fourteen Thousand Dollars (\$14,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total amount of \$14,000.00 to Plaintiffs in this case from Account No. 1A01-529017-T31001.

SECTION 3. To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit payment of \$14,000.00 on behalf of Richard A. Mason.

A true copy,

Deputy Clerk

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

DEC 03, 2001

DEC 12, 2001

01-0-1977

(Do Not Write Above This Line)

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BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

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APPROVED BY: [Signature]

DEPUTY

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

ADOPTED BY  
DEC 03 2001

COUNCIL

Date Referred 11/19/01 VOICE VOTE

Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee First Reading

Date Public Safety  
Chair C. Wilson  
Referred to

Committee

Date

Chair C. Wilson

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☒ V Vote ☐ RC Vote

CERTIFIED

[Signature]  
DEC 3 2001

ATLANTA CITY CLERK

[Signature]

CERTIFIED  
DEC 03 2001

[Signature]  
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW